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Andorno, Roberto

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Roberto Andorno

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Gracia, D.: 2008, *Fundamentos de bioética*. Madrid: Triacastela, 3rd ed. 605 pages. ISBN 978-8495840332. Price: € 43.27.

Diego Gracia is professor of bioethics and medical humanities at the Complutense University of Madrid, and without any doubt the most recognized bioethicist from Spain. This new edition of a book that has established itself as a classic in the field, is motivated by the search for the moral foundations of bioethics in Western societies, so as to delineate the necessary moral conditions that are needed for becoming a good physician. The magnitude of such an enterprise demands the study to be conducted on a methodical manner, therefore Gracia sets the analysis on two main axes: one diachronic, divided in three chapters, in which the author examines the evolution of the medical tradition from ancient Greece until our days; the other synchronic, also divided in three parts, where Gracia ponders the principal philosophical attitudes regarding the foundations of morality.

In the first chapter, Gracia explores how the beneficence paternalistic model of family life in the ancient world was spread to other fields of human social life, such as religion, politics, and, in particular, medicine. In essence, the medical paternalism was conceived as a process of domination based on the moral authority that physicians held within society.

The author then points his studies towards the modern world, finding that the foundation of the moral law was radically changed from a heteronomous criterion to an autonomous standard. In modern times, the human person began to be considered as an end in itself, thus as an autonomous moral subject capable of taking decisions by itself. In this perspective, the doctor-patient relationship made a fascinating twist, moving from the emphasis on the principle of beneficence to the emphasis on the principle of autonomy.

The third chapter is devoted to the evolution of the principle of justice in the Western political tradition. In this respect, Gracia distinguishes four levels of justice that are applicable to human acts: justice as a general virtue, justice as a value, justice as a rational sketch, and justice as a real experience.

In the second part of the book, the author channels his analysis through the main philosophical attitudes so as to provide an answer to the query of how the moral norms can be substantiated. In this sense, Gracia examines, first the naturalistic foundations, then the idealistic theories, in a third moment he reviews the epistemological foundations and, finally, he explores the axiological thesis.

In the fifth chapter, he circumscribes the research to the ethical reasoning method, going through the ways in which other philosophies have understood the functioning of moral reasoning. The author starts with the ontological approach, continues then to the deontological system, proceeds with the epistemological theories, and culminates with the axiological ideas.

The final chapter is entirely dedicated to the examination of the relationship between ethics and law. Gracia recognizes that the civil society has to be based on ethical values that can be organized under different criteria, i.e. maximalist or minimalist.

Ultimately, the author's intention is to demonstrate that bioethics has to proceed respecting the level of moral minimums in order to avoid taking decisions out of pure

R. Andorno (✉)
Institute of Biomedical Ethics, University of Zurich,
Zollikerstrasse 115, 8008 Zurich, Switzerland
e-mail: andorno@ethik.uzh.ch

strategic convenience, and also offering a concise method which is useful for analyzing and resolving clinical cases.

Gastón F. Blasi
Leuven, *Belgium*

Sperling, D.: 2006, *Management of post-mortem pregnancy: legal and philosophical aspects*. Aldershot: Ashgate. 208 pages. ISBN 0754643042. Price: £ 50.00.

Few obstetricians and bioethicists have ever confronted or contemplated the management of women who became brain-dead while pregnant. However, this uncommon reality brings to light surprisingly varied ethical and philosophical problems. One may call into question the tenet according to which brain death is "death"; this would expose the title of the book as an oxymoron. One may wonder whether a [brain] dead person may still be considered a patient of medicine at all. If she/it is not, shifting the focus of care from the woman to the fetus cannot be considered abandonment of a patient.

In this book, Dr. Sperling, currently a senior lecturer in bio-law in the Hebrew University of Jerusalem, concentrates efforts towards the moral and legal study of personal autonomy over the post-mortem bodily interests of the person, especially as confronted with the moral and legal duties towards the unborn. The legal context of the study is limited to the variants of Common Law in Canada, UK, Israel and the USA. An illuminating background to this book specific study would be Sperling's later book, "Posthumous interests" (Cambridge University Press, 2008).

The power of the book stems from a skilful deployment of casuistry, invoking analogies from organ donations and advance directives regarding end-of-life care to infertility treatments; from the moral and legal standing of the unborn to regarding the body as one's private property. The book engages disciplines such as psychology; unfortunately, not history, although in pre-modern times (and in contemporary poor societies) post-mortem attempts to salvage the unborn were discussed and practiced. For example, the Talmud and its medieval exegetical literature hardly discuss abortion, but it gives much attention to post-mortem pregnancy.

As a clinician and a philosopher I have found the chapter on feminist relational ethics interesting and innovative, especially the invocation of the metaphor of the "field", which is drawn from the philosophy of biology. In this context the "fields" are networks of relationships among distinctly self-organized units (Goodwin 1994). Perhaps Sperling wishes to incorporate relational ethics in a relatively value-free biology-based ontology. However, the field metaphor is already part of the discourse on the ethics of pregnancy. Talmudic and Jesuit thinkers employed it independently and to completely different uses. If the language chosen influences or predetermines reasoning, as Sperling believes, broader attention to this very metaphor is apt.

This relatively small book is so rich in analogies and ideas that one can hardly criticize the author for selecting out others. Perhaps some points of view are underdeveloped (e.g. the theological one). My reflection on the argumentation developed in the book, and especially in the chapter on relational analysis yields a measure of scepticism. The author does not tell us why we should approach the dilemma from a relational perspective that is anchored in the woman, rather than in the fetus and its own "field". Even if we concede that the death of the mother nullifies her moral duties to her fetus, this does not alter our own awareness of the unborn, its survivability, etc. When a woman writes an advance directive of DNR even in the face of salvageable pregnancy, she is aware of her moral position as well.

Sperling casts the problem of post-mortem pregnancy in terms of balancing the autonomy of the woman with the interests and moral value of the fetus (p. 136). As an ethicist, he tends to assume that the maternal interests are weightier than those of the fetus. But is it all a question of the limits to autonomy? I think not. Consider the following scenario: A woman requests in an advance directive that in the case of brain-death, her organs be harvested for the sake of transplantation, even at the expense of the life of her fetus. Although this request is likely to save many lives (and mere refusal of life-support saves no-one), I think many ethicists will balk at the suggestion. Personal autonomy is not a uniform value. It has a near absolute power to stop the uses of one's body, even for the sake of lofty goals. But it is much less evident that one may donate one's own body for the sake of strangers at the expense of one's own child.

The book suffers from unpolished English styling, occasionally to the point of confusion. However, it is a thought stimulating book on some of the fundamental problems and values defining bioethics. It is an excellent source for advanced readers.

Reference

Goodwin, B. (1994) *How the leopard changed its spots: the evolution of complexity* Princeton, Princeton University Press.

Y. Michael Barilan
Tel Aviv, *Israel*

Biller-Andorno, N., Schaber, P., Schulz-Baldes, A. (eds.): 2008, *Gibt es eine universale Bioethik?* Paderborn: Mentis. 250 pages. ISBN 9783897853133. Price: € 39.80.

Are ethical norms valid universally or only within discrete geographical or cultural areas? Much academic debate in philosophy over the past 2,000 years or so has sought to set out justifications for particular answers to this question. Equally, the much younger field of bioethics is concerned with determining the reach, scope and content of ethical norms. Bioethical analyses typically go beyond mere armchair philosophy. Ideally, they combine sophisticated top-down theoretical reflections with rigorous bottom-up analysis of particular policies, practices and cases, with the aim of furthering not only academic thinking but also to contribute to fairer arrangements in policy and practice. Many of the papers in the present volume make excellent contributions in this regard.

The book is comprised of 20 individual papers (all in German) and is clearly structured in five main sections, analyzing the question of the universality of bioethical norms from descriptive, pragmatic, procedural, normative and theoretical perspectives. The first section asks whether cross-cultural agreement on bioethical norms is necessary for guiding practical action. The issue is explored in regard to four topical areas: research ethics and organ trade, the application of human rights, and the function of bioethical debates as enabling discourse on particular sets of norms.

The four papers of the second section examine whether there is evidence of cross-cultural consensus on key concepts and issues: informed consent is discussed in a comparison between Germany and Taiwan, cloning debates are analysed by contextualizing recent research controversies around Korean research practices, (near) international agreement on brain death criteria among medical professionals is contrasted with diverging views about key concepts such as 'body' or 'person' in different cultural spheres. The difficulties associated with appealing to the notion of 'African Culture' in support of, or in opposition to, universal ethical values are also discussed.

The third section concentrates on some theoretical conceptions of universal bioethics. The first two papers present differing answers to the question of whether moral relativism is a coherent position or not. Some of the recent contributions in this debate are discussed, both from a meta-ethical and a more pragmatic and policy oriented perspective. Two further papers in this section concern the different metaphysical traditions of the concept of the 'person', and the question of the extent to which it is desirable and possible to abandon particular notions in practical bioethics across borders.

On a more normative level, the fourth section asks which theoretical frameworks might be able to provide comprehensive justification for a universal bioethics. The first paper advocates Beauchamps' and Childress' Four Principles as a suitable basis, which the second disputes, proposing instead to focus on a purely coherentist approach and abandoning any attempts at establishing some form of universal common morality. The last two papers pursue different approaches from within discourse theory.

The fifth and last section resumes a practical perspective and addresses the question of the conditions required for the identification of shared cross-cultural standards. The first paper emphasises the need to distinguish between procedural and substantive agreement, with the remaining three presenting perspectives on particular approaches taken by WHO, the German stem cell research ethics commission, the Council of Europe, and relevant bodies of the Protestant Church in Germany.

As this somewhat longish description illustrates, the book covers a very wide and ambitious field. The editors acknowledge in the introduction that the theme in section four is so vast, that it would in fact require at least a whole separate monograph to do it justice. It is not obvious why the same should not be said for the other sections, which, by necessity, are equally selective in the perspectives and examples they present. Nonetheless, the book provides a stimulating introduction and often original discussion of the topics considered. It does not require prior familiarity with the topic as the editors' helpful introduction provides appropriate guidance and context to the respective debates, and the book will hence be of interest to readers with very different backgrounds..

Harald Schmidt
London, UK

Brownsword, R.: 2008, *Rights, Regulation and the Technological Revolution*. Oxford: Oxford University Press. 336 pages. ISBN 978-019927680-6. Price: £ 50.00.

Roger Brownsword's latest book, *Rights, Regulation and the Technological Revolution*, is a collection of papers dealing with issues that are at the intersection of law, ethics and new technologies, which were originally published in various specialized legal journals from the UK and USA. The author, who currently serves as Director of the Centre for Technology, Law, Ethics and Society (TELOS) at the King's College School of Law in London, is a leading scholar in this area. Some readers may already be familiar with his successful book on human dignity in bioethics and biolaw, co-authored with D. Beyleveld in 2002. To some extent, the present volume builds upon that work to address

the relationship between legal regulation and new technologies.

The book is divided into two parts. Part one, entitled "Regulatory Challenge", is about the dilemmas posed by emerging technologies to policy makers who aspire to set up regulatory mechanisms that are legitimate, effective and sustainable. Part two, entitled "Regulatory Opportunity", addresses the issue of how to manage the new opportunities offered by technologies as powerful regulatory instruments. While part one envisages technologies as an object of legal regulation, part two regards them as a tool that policy makers can use to enforce their decisions and ensure greater compliance with legal norms.

Chapter 1 sets the stage by explaining the book's core concepts: regulation, rights, and community of rights. Chapter 2 presents three competing ethics that make up the "bioethical triangle": utilitarianism, the human rights perspective, and what the author calls the "dignitarian alliance". Chapter 3 develops the requirement of informed consent in clinical and research settings. Chapter 4 focuses on the precautionary principle and on its potential application in the field of nanotechnologies. Chapters 5 and 6 deal respectively with the challenge of regulatory effectiveness, and with the problem posed by the fact that law can be "disconnected" from recent technological developments. The final chapter in part one focuses on the need to set regulatory initiatives with a cosmopolitan scope, that is, beyond national borders.

Part two is devoted to regulatory opportunities, which means the potential use of new technologies as regulatory tools, that is, to influence human behaviour. After a discussion about the creation of genetic databases for forensic and research purposes in Chapter 8, the book offers an original distinction between two different forms of regulation, which are called by the author the "West Coast" and the "East Coast" depending on whether the model relies, or not, on a technological fix (Chapter 9). In Chapter 10, Brownsword expresses his preference for the "East Coast" model, according to which the "rule of law" should have pre-eminence over the "rule of technology". The final chapter discusses the need for regulators to address the new challenges in a way that increments effectiveness, but not at the cost of the legitimacy of their decisions.

This volume makes a valuable and original contribution to our understanding of the complex interaction between lawmakers, ethical values, and broader societal interests in the regulation of the emerging technologies. Clearly, the book is not for a generalist audience, but for post-graduate students, legal scholars and policy-makers used to think about the "regulatory challenge" posed by technologies.

The only minor criticism that could be made of the book is the vagueness of the chapters' titles (especially in the first part of the volume), which do not clearly reflect their real content.

Roberto Andorno
Zurich, Switzerland

Schulman, A., Davis, F. D. and Dennett, D., with 20 others. *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics*. Washington, D.C.: U.S. Government Printing Office. 554 pages. ISBN 978-016-080071-9. Price: Free of charge.

Human Dignity and Bioethics, a volume of essays commissioned by the U.S. President's Council on Bioethics, takes on an important task: to examine whether or not human dignity is a workable moral concept. Although appeals to human dignity are frequent in bioethical debate, and have also figured in reports of the President's Council, one sometimes suspects that such appeals are more rhetorical than substantive. *Human Dignity and Bioethics* takes on the challenge of discovering substance in the concept "human dignity."

The list of contributors extends well beyond members of the President's Council. The volume consists of numerous essays expressing a variety of viewpoints and thus cannot be justly accused of pushing an ideological or political agenda. Rather the book exemplifies authentic intellectual exchange. The essays taken as a whole are uneven, but one can find in the volume a few gems. The first essay, by Adam Schulman, does an admirable job of laying out clearly the different sources for, and different ways of understanding, "human dignity." Some senses of the word "dignity" point to excellence and distinction and are inegalitarian, while other senses point to an inherent, perhaps God-given, quality that does not depend on individual accomplishment. Many disagreements within bioethics arise as the result of disagreement about the nature of human dignity, and quite a few essays in the volume explore with insight the tension between these competing understandings.

Alongside its strengths, the book also has its defects. It is too long (554 pages) and at times tedious. The editors, perhaps in an effort to be solicitous of all viewpoints, have included a number of essays that do not contribute to the caliber of the collection. The editors also invited "responses" to some of the essays (although not all) and then sometimes allowed "responses" to the "responses." Although these sorts of exchanges can be useful at a conference, one wonders whether they are suited for a published format in which authors have had the opportunity to clarify their arguments in the course of revision. Better, I think, to let readers make their own judgments,

than to worry about giving particular authors the last word. In the case of this volume, a few of the exchanges devolved from reasoned pursuit of the truth into uninteresting repartee. Nevertheless, the volume will prove a useful resource for those teaching or thinking about the uses of "human dignity" in bioethics.

Interestingly, the volume can be ordered free of charge at info@bioethics.gov or directly downloaded at the address: http://www.bioethics.gov/reports/human_dignity/.

H. David Baer
Seguin, TX, USA

Navarro, V. (ed.) 2007, *Neoliberalism, Globalization and Inequalities: Consequences for Health and Quality of Life*. Amityville, NY: Baywood Publishing. 518 pages. ISBN 978-0895033444. Price: € 49.49.

The central thesis of the present volume, expressed by its editor, Vicente Navarro, is that neoliberalism is nothing more than an ideology guided by class interests. In order to prove this thesis, the present collection of articles, all except one chapter first published in the *International Journal of Health Services* also edited by Vicente Navarro, tries to provide empirical data contradicting the basic assumptions of neoliberalism and neoliberal politics and policies guiding globalization. In Part I "What is Neoliberalism", the editor establishes a general frame for the criticism by describing neoliberalism as a class ideology using concepts with a Marxist background ("class struggle"). However, the other articles do not aim to develop a comparable theoretical background, but try to collect empirical data (e.g. from OECD sources) for a general criticism of neoliberal theory and practice.

According to this general critical aim, an important part of the volume deals not with the impact of globalization on specific health problems, but tries to refute basic assumptions on the economical and social benefit of such policies. In Part III, Robert Hunter Wade treats the problem of growing inequality in three, sometimes overlapping articles and tries to show the falseness of the claim that global poverty has been recently reduced. At the same time, he tries to provide evidence for the negative effects of growing inequality. Six articles in Parts IV, V, and VI compare economic measures from European welfare states and the US, including worldwide data from different periods in the recent history, in order to prove that neoliberal policies do not create higher economic efficiency.

Parts VII and VIII describe Venezuela's supposed success in the public health care system as an alternative to neoliberalism, and the deteriorating situation in Africa which is linked to the neoliberal policies required by international organizations as the WMF by different African authors. To complete this picture supposed neoliberal policies guiding some WHO commissions and Jeffrey Sachs' end of poverty are attacked.

The reader, who maybe expected more about the outcome of different health policies for concrete global health problems, will rather find a critical overview of their general economical and political background. But in turn, he will be rewarded with an interesting, detailed and empirically justified criticism of this general context by experts from different renowned universities and academic centers. While health inequalities and public health care systems necessarily remain a general public concern, critical analysis and information like in the present book should be taken into account by anybody interested in these issues, also by those still favoring other solutions.

Hans-Jörg Ehni
Tübingen, Germany

Meyers, C.: 2007, *A Practical Guide to Clinical Ethics Consulting: Expertise, Ethos, and Power*. Lanham, MD: Rowman and Littlefield Publishers. 112 pages. ISBN 978-0742548282. Price: £ 13.99.

In his latest book, Christopher Meyers defends the thesis that a philosopher-ethicist can act not only as a moral expert, but also as the "best person to provide clinical ethics consulting". Additionally, he sustains and grounds that the prescriptive advice constitutes the most useful way of practicing clinical ethics. His work, based on his background as an academically trained philosopher and in his extended practical experience as a clinical ethicist, is divided in four chapters. In the first one, "Clinical Ethics Consulting and Moral Expertise", the author criticizes the traditional model of clinical ethics consultation of analyzing facts and facilitating discussion, and provides a direct defense of the philosopher-ethicist as a moral expert, capable of giving prescriptive advice. He also describes the knowledge, skills, and training that a clinical ethicist should have. In Chapter 2, "Principles, Rules, and Character", he recommends a model of ethics reasoning that should guide the normative activities of the practice. He illustrates that the use of the traditional principles of bioethics integrated with the virtues theory can provide a real guide to the practice of clinical ethics. In the third chapter, "Social Context and the Politization of Clinical Ethics", he presents a theoretical explanation of the political nature of clinical ethics, and the necessary interconnection between the macro- and micro-level to make a good clinical ethics work. In the last chapter, "Why Do Good People Do Bad Things?", he focuses on the importance of the empirical

methodology and highlights the importance of understanding the culture as a key element for ethical analysis.

Although many studies about the subject of clinical ethics consultation have been written, there is still a lack of general agreement about the exact nature of this activity, as well as the knowledge and skills that clinical ethicists must have. This book constitutes an excellent contribution to this debate, and will probably become a reference work for people interested in this field. Furthermore, his criticism to the traditional model of clinical ethics represents an interesting challenge to the current European practice in the field, where the ethicist acts mainly as a moral facilitator.

In conclusion, the book presents not only a well documented defense of Meyer's thesis, but also a comprehensive description of the necessary tools for effective ethics consulting. For those reasons, the book is targeted not only to academics who teach ethics consultation, but also to practitioners interested in having an in-depth theoretical basis for their practice.

Marcos Schwab
Lausanne, *Switzerland*

Merkel, R., Boer, G., Fegert, J., Galert, T., Hartmann, D., Nuttin, B., Rosahl, S.: 2007, *Intervening in the Brain. Changing Psyche and Society*. Berlin: Springer. 533 pages. ISBN 978-3540464761. Price: € 80.20.

This book focuses on recently developed possibilities for intervening in the central nervous system (CNS), particularly in the brain, assessing the possible consequences—both at the individual and social level. This is a genuinely multidisciplinary book, which involves the work and perspectives of physicians, neurological researchers, legal experts and philosophers, who formulate concrete recommendations for dealing with these new technologies. A merit of the book is the clarity of the extensive presentation and discussion of many new technologies, which usually in the philosophical as well as in the public discussion about brain-related illness-prevention, illness-treatment and cognitive enhancement are taken as given but without well founded knowledge about it. The discussed technologies are related to the fields of psychopharmacology, neurotransplantation and gene transfer, central neural prostheses and electrical brain stimulation for psychiatric disorders.

According to the authors—and rightly, from my perspective—we do not need a new kind of ethics to deal with the challenges presented by these new technologies. For example, in the old and famous cases related to the use of psychopharmacology it is possible to find many of the issues, which are ardently discussed today. The authors, who write their book in a "consensus oriented style", point out that most of the serious problems that emerge with the new technologies discussed in this study in case of prevention and treatment issues or in case of enhancement issues are related to the social context, and accordingly to issues about access and social justice, and not too much to the individual context. The authors focus extensively on issues of personal identity and personality. They come to the conclusion that at the individual level the really problematic issues about intervention on the CNS refer to "subtle forms of mental side effects", which are difficult to identify. They take an informed-consent-view, according to which the patients knowing the possible consequences for their psyche must decide about the treatment. If they take the risk, then their opinions and judgements about their quality of life after the treatment must be accepted, even if they are the result of an adaptation process to the new circumstances.

On the one hand this study offers an illuminating and accessible discussion of many of the new technologies related to actual bioethics debates. On the other hand the normative foundations of this study are weak at least. The authors refer to the in contexts of bioethics well known theory of Beauchamp and Childress, and correspondingly they ground their arguments on the four "widely accepted general principles of medical ethics": nonmaleficence (that is prohibition of harm), beneficence (that is duty to assist), respect for autonomy, and justice. But although this is a very popular theory in the bioethical context and a useful one for practitioners, from a philosophical perspective its foundations are weak: to articulate genuine solutions of ethical problems is a different thing than to cook a meal mixing well known ingredients to one's own taste. A foundation of, or at least an explanation of the normative pretensions of the different principles is necessary, and you have to articulate a theory to explain and make mandatory the precedence of some principles over others in determinate circumstances. In this sense the normative proposal offered in this book suffers from the same deficiencies like the well known theory to which it refers.

Daniel Loewe
Tübingen, *Germany*